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C O N F I D E N T I A L SECTION 01 OF 03 BERLIN 001590

SIPDIS

STATE FOR S/CT, EUR/CE, AND EUR/PGI
TREASURY FOR OFAC SZUBIN, MONBORNE, MAHER, YOO

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TAGS: PTER PREL PGOV KHLS KJUS GM

SUBJECT: S/CT AMBASSADOR BENJAMIN PUSHES FOR MORE DATA
SHARING

REF: A. BERLIN 1528

1B. BERLIN 1377

1C. BERLIN 1167

1D. STATE 102073

1E. BERLIN 862

1F. 2008 BERLIN 354

Classified By: Minister-Counselor for Economic Affairs Robert A. Pollard
d for Reasons 1.4 (b) and (d).

11. (C) SUMMARY: Counterterrorism Coordinator Daniel Benjamin urged German interlocutors to support a variety of programs to increase U.S.-European and U.S.-German counterterrorism-related information sharing. Ambassador Benjamin specifically called on Germany to support the U.S.-EU agreement to extend the Terrorist Finance Tracking Program (through "SWIFT" data sharing), to implement the bilateral "Pruem-like" data sharing agreement, and to begin negotiations on a Homeland Security Presidential Directive 6 (HSPD-6) terrorist screening data sharing agreement. Germany's positions on these initiatives are shaped and constrained by data privacy considerations and Ambassador Benjamin sought to stress the importance of information sharing in countering international terrorism as well as noting that the USG also has strong data protection measures in place. The participation of the Free Democratic Party, which has strong data privacy views, in the new German governing coalition places heightened scrutiny on security-related information sharing agreements and requires us to consult closely and early with German partners to obtain their support. END SUMMARY

12. (SBU) State Department Counterterrorism Coordinator Ambassador Daniel Benjamin and EUR/PGI Senior Policy Officer for Counterterrorism Lonni Reasor visited Berlin on November 18 - 19 and met with German government interlocutors from the MFA, Chancellery, Justice and Interior Ministries. Ambassador Benjamin gave remarks on the Obama Administration's counterterrorism strategy to a group of academics and researchers at the German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik). The Ambassador also met with Anatoliy Safonov, Russian Special Presidential Representative for International Cooperation in the Fight Against Terrorism (see State septel reporting).

13. (C) In all his meetings with German interlocutors,

Ambassador Benjamin introduced key elements of the Obama Administration's counterterrorism strategy, with a special focus on countering violent extremism (CVE). Benjamin stressed that the Administration's counterterrorism strategy had two broad aims: the immediate, near-term challenge of destroying al-Qai'da and its allies, and the longer-term task of confronting violent extremism. Benjamin indicated that his office was focusing on CVE initiatives and placed an emphasis on working with international partners on CVE. The Ambassador described a series of CVE conferences that the Department has started with regional partners and summarized their aims (see ref tel D). At meetings with government officials, Ambassador Benjamin commented on the terrorist threats directed at Germany surrounding the September national elections and noted that senior-levels in Washington followed these developments closely and tasked relevant agencies to support German counterparts as much as possible in response (ref E).

UN 1267 Issues

¶4. (C) Ambassador Benjamin discussed UN 1267 (al-Qaida/Taliban Sanctions) Committee issues with Peter Wittig, MFA Director-General for United Nations and Global Issues (Note: As of December 3, Wittig is now Germany's Permanent Representative to the UN. End Note). Ambassador Benjamin relayed that the U.S. continues to review UN 1267 listings as mandated by UNSCR 1822 and stressed that our

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review is not simply a de-listing exercise, but that we are ensuring that the listings we continue to support remain appropriate. Ambassador Benjamin noted that we anticipate requesting or supporting de-listing of names from the 1267 Consolidated List on a rolling basis and that the 1822 review process has also provided a number of opportunities to strengthen narrative summaries to provide more detailed identifiers for listings. Benjamin also raised with Wittig the issue of dealing with hostage crises and, in particular, U.S. concerns regarding the paying of ransom to kidnappers.

Data Sharing is Key

¶5. (C) Engaging the new German government on the issue of security-related information sharing is proving difficult due to the data privacy concerns of the Free Democratic Party (FDP) coalition partner (ref tel C). Accordingly, Ambassador Benjamin stressed the importance of data sharing in his meetings with German government interlocutors and specifically raised the U.S.-EU interim agreement on access to the SWIFT financial transactions database, the U.S.-German bilateral Pruem-like agreement, and the HSPD-6 terrorist screening data sharing initiative.

¶6. (C) TFTP/SWIFT: The Ambassador described the benefits of the U.S. Terrorist Finance Tracking Program and encouraged German interlocutors to support the interim U.S.-EU agreement at the November 30 COREPER vote in Brussels. He noted that TFTP data are used to identify and track financial activities of terrorists - information that security officials have used to prevent terrorist attacks. (Note: Treasury OFAC Director Adam Szubin joined the meeting at the Justice Ministry and provided detailed information on the data protection elements of the TFTP. End Note) German counterparts at the Chancellery and Interior Ministry acknowledged the usefulness of the TFTP, but admitted that the FDP's presence in the government coalition complicated Germany's internal deliberations and raised the issue to a "political level" given that Justice Minister Sabine Leutheuser-Schnarrenberger

(FDP) is an exceptionally strong proponent of data privacy protections (see reftel B).

¶7. (C) Pruem-like Agreement: Ambassador Benjamin inquired as to the status of Germany's internal deliberations concerning the U.S.-German bilateral agreement to share personal data on serious crime and terrorism suspects (Pruem-like agreement, reftel F) and encouraged Germany to resolve any outstanding issues so that we may begin implementation of this important agreement. Interior and Justice ministry officials both regretted the implementation delays caused by concerns raised in the Bundesrat from Hamburg's Justice Senator. Interior Ministry representatives indicated that the Hamburg concerns are prompting a joint letter from Interior Minister Thomas de Maiziere and the Justice Minister to the Attorney General and DHS Secretary Napolitano that will describe limitations on Germany's ability to share information on sensitive areas (e.g., labor union membership, religious affiliation), a need to more fully define serious and terrorist crimes, as well as interpretations of some additional data protection elements. Officials indicated we could expect to receive the letter shortly.

¶8. (C) HSPD-6: Ambassador Benjamin expressed hope that Germany could soon begin negotiations on a bilateral HSPD-6 (Homeland Security Presidential Directive 6) agreement to share terrorism screening information. Interior Ministry representatives indicated a desire to move forward with HSPD-6 negotiations, but said that Justice Ministry reservations continue to prevent Germany from beginning formal talks. MoI colleagues noted that former Justice Minister Zypries (SPD) had opposed such an agreement on data privacy concerns, and the arrival of the new Justice Minister - who has even stronger data privacy convictions - suggests that obtaining Justice approval for negotiations to start

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remains difficult. Interior Ministry said that the current contentious political debate surrounding the TFTP/SWIFT agreement had caused strains within the coalition government and therefore they suggested we wait to push for a HSPD-6 agreement (see reftel A).

¶9. (U) This message was cleared with EUR and S/CT.
MURPHY